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STATE-WAR-NAVY COORDINATING COMMITTEE

POLICY CONCERNING TRUSTEESHIP AND OTHER METHODS OF
DISPOSITION OF THE MANDATED AND OTHER OUTLYING
AND MINOR ISLANDS FORMERLY CONTROLLED BY JAPAN

Note by the Secretaries

The enclosure, a study presented by the State Member, is circulated for consideration and discussion by the Committee at their next meeting.

ALEXANDER D. REID

B. L. AUSTIN

RAYMOND E. COX

Secretariat

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Dept. of State letter, Aug. 10, 1972
By WJH, NANS Date 3-12-75

E N C L O S U R E

POLICY CONCERNING TRUSTEESHIP AND OTHER METHODS OF
DISPOSITION OF THE MANDATED AND OTHER OUTLYING
AND MINOR ISLANDS FORMERLY CONTROLLED BY JAPAN

THE PROBLEM

1. To determine (a) what areas formerly under Japanese control this government will propose to be placed under the trusteeship system of the United Nations, (b) what action should be taken to apply the principle of trusteeship to these areas, and (c) what should be the disposition of other outlying and minor Japanese islands.

FACTS BEARING ON THE PROBLEM

2. See Appendix "A".

DISCUSSION

3. See Appendix "B".

CONCLUSIONS

4. It is concluded that:

a. The Japanese Mandated Islands, and Marcus and the Bonin and Volcano Islands, should be placed under the trusteeship system of the United Nations as soon as practicable, with the United States as administering authority.

b. In carrying out the decision to place under trusteeship the Japanese Mandated Islands and other Japanese Islands which are to remain under United States administration, the Government of the United States should be guided by the following considerations:

(1) Separate trusteeship agreements should be prepared for the Japanese Mandated Islands as one unit and for Marcus and the Bonin and Volcano Islands as another unit. Where areas within the trust territory are to be designated as strategic in

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accordance with Article 82 of the Charter, separate trusteeship agreements should be drawn up for the strategic area or areas.

(2) The United States should first draft the terms of trusteeship and should consult with other states having interests in the area, initially the United Kingdom, France, the Soviet Union, China, Australia, New Zealand, and the Netherlands, with a view to obtaining the concurrence of such states in the terms of trusteeship.

(3) The United States should also propose to the states mentioned in paragraph (2) that "the states directly concerned" referred to in Article 79 of the Charter should be defined as narrowly as possible, and preferably should be limited to the United States alone.

(4) The United States should then present the trusteeship agreements to the appropriate organs of the United Nations for approval.

(5) The United States should be designated as sole administering authority in all of the trusteeship agreements herein considered, and these agreements should not be altered or amended without its consent.

(6) The terms of trusteeship in all cases should be such as to safeguard the defense of the United States as well as to carry out the general objectives of the trusteeship system, and should not be inconsistent with the terms of the Charter of the United Nations.

(7) The terms of trusteeship in all cases should be such as to give the United States exclusive authority in all matters affecting the security of United States bases in the trust territory.

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(8) In areas where strategic considerations are not overruling and especially where large numbers of indigenous inhabitants are involved, the trust territories should be non-strategic in character.

(9) The terms of trusteeship in all cases should be in conformity with the objectives of the trusteeship system as stated in Article 76 of the Charter and should include protection for the inhabitants including provisions for reporting, petitions, and visits (except with regard to base areas closed for security reasons).

c. The disposition of other outlying and minor Japanese Islands should be as follows:

(1) Formosa and the Pescadores Islands are to be returned to China in accordance with the Cairo Declaration.

(2) Southern Sakhalin and the islands adjacent to it are to be returned to the Soviet Union and the Kurile Islands are to be handed over to the Soviet Union in accordance with the Yalta Agreement.

(3) Quelpart Island, Port Hamilton, Dagelet (Utsuryo) Island, Liancourt Rock (Takeshima), and all other offshore Korean Islands should be considered part of Korea.

(4) All rights and titles claimed by Japan with respect to the Spratly Islands and with respect to territory in the Antarctic should be renounced by Japan.

(5) The Ryukyu Islands should be regarded as minor islands to be retained by Japan and demilitarized.

(6) The Izu Islands should be regarded as minor islands to be retained by Japan and demilitarized.

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(7) The islands of the Inland Sea and all other offshore islands surrounding the four main islands of Japan, excluding the Kurile Islands but including Sado, Okinawa, Iki, and the Goto Archipelago, should be regarded as minor islands to be retained by Japan and demilitarized.

RECOMMENDATIONS

5. It is recommended that:

a. This paper should be forwarded to the Joint Chiefs of Staff for their comments from the military point of view.

b. Upon approval by the State-War-Navy Coordinating Committee this paper should be forwarded to the President for his approval.

c. Upon approval by the President the paper should be transmitted to the State, War, and Navy Departments for their information and for implementation where appropriate.

d. The President at an appropriate time should make a formal public statement setting forth, in accordance with the conclusions of this paper, the decision of the United States to take definitive action in the near future to apply the principle of trusteeship to the Japanese Mandated Islands and other Japanese islands which are to remain under United States administration, and explaining that the United States will administer these islands, that the terms of trusteeship will be satisfactory to this Government, and that American security interests will be fully protected.

e. Draft trusteeship agreements for the Japanese Mandated Islands and other Japanese islands which are to remain under United States administration should be prepared in accordance with the Conclusions in paragraph 4

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above by the Department of State, which shall consult with the War and Navy Departments where security issues are involved.

f. The Department of State should consult with the governments of other interested states at appropriate times regarding the terms of trusteeship for the Japanese Mandated Islands and other Japanese islands which are to remain under United States administration.

g. The Department of State should consult with these governments also on the proposal that "the states directly concerned" referred to in Article 79 of the Charter should be defined as narrowly as possible in respect to these territories, and preferably should be limited to the United States alone.

h. Upon the satisfactory conclusion of such consultations, the Department of State should initiate such other action as may be necessary to obtain final approval of the trusteeship agreements by this Government and by the United Nations.



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APPENDIX "A"

FACTS BEARING ON THE PROBLEM

1. In regard to the legal status of the Japanese Mandated Islands, certain basic facts are clear. In 1919, by Article 119 of the Treaty of Versailles, Germany renounced in favor of the Principal Allied and Associated Powers "all her rights and titles over her overseas possessions"; by Article 22 of the League Covenant it was provided that the tutelage of the peoples of these possessions should be exercised by advanced nations "as Mandatories on behalf of the League"; the Principal Allied and Associated Powers, including the United States, gave a preliminary and conditional commitment that Japan should have a mandate for Germany's former islands north of the equator; and on December 17, 1920 the Council of the League of Nations confirmed a mandate charter to Japan. The United States, by the provisions of its Treaty with Japan signed February 11, 1922, recognized Japan as Mandatory subject to specified conditions.

The position of the United States was defined in 1921 by Mr. Hughes, then Secretary of State: The United States, as a participant in the war, had obtained rights in and with regard to the former German territories, of which rights it could not be deprived without its consent; these rights had been confirmed by the Treaty of Versailles and had been strengthened by the treaty thereafter concluded between the United States and Germany. That position was explicitly recognized in the United States-Japanese Convention of February 11, 1922, and in the treaties later concluded by the United States with regard to each of the A and B Mandates. The position thus stated by Secretary Hughes has not subsequently been changed by any declaration of this Government.

2. The Cairo Declaration, announced December 1, 1944 by the heads of the Governments of the United States, the United Kingdom, and China, and later concurred in by Marshal Stalin, stated:

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"The three Great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great Powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent."

3. An agreement was reached at Yalta on February 11, 1945, between the President of the United States, the Prime Minister of Great Britain, and Generalissimo Stalin of the Soviet Union, which stated in part:

"The leaders of the three Great Powers--the Soviet Union, the United States of America and Great Britain--have agreed that in two or three months after Germany has surrendered and the war in Europe has terminated the Soviet Union shall enter into the war against Japan on the side of the Allies on condition that:

.....

2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz:

(a) The southern part of Sakhalin as well as all the islands adjacent to it shall be returned to the Soviet Union.

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3. The Kurile Islands shall be handed over to the Soviet Union.

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The Heads of the three Great Powers have agreed that these claims of the Soviet Union shall be unquestionably fulfilled after Japan has been defeated."

4. The Potsdam Declaration, issued July 26, 1945 by the heads of the Governments of the United States, the United Kingdom and China and later concurred in by Marshal Stalin, stated:

"The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, and Shikoku and such minor islands as we determine."

5. The President stated in a broadcast on August 6, 1945 reporting on the Potsdam Conference:

"...though the United States wants no territory or profit or selfish advantage out of this war, we are going to maintain the military bases necessary for the complete protection of our interests and world peace. Bases which our military experts deem to be essential for our protection and which are not now in our possession, we will acquire. We will acquire them by arrangements consistent with the United Nations Charter."

6. On September 2, 1945 General MacArthur, Supreme Commander for the Allied Powers, accepted the Japanese surrender "for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan". China occupied Formosa and the Pescadores Islands, the Soviet Union occupied southern Sakhalin and the Kurile Islands, and the United States occupied Japan proper and completed the occupation of all the other Pacific islands of Japan.

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7. According to a report of the House Naval Affairs Committee dated October 9, 1945, the Navy Department proposes, subject to action by the Joint Chiefs of Staff and the State Department, to maintain the following post-war outlying bases in areas formerly controlled by Japan: (a) in the Japanese Mandated Islands,--one base in regular operation in the Guam-Saipan area in the Marianas, four bases in a "reduced" status--on Eniwetok and Kwajelein in the Marshalls and on Truk and Palau in the Carolines,--and two others in the "caretaker-emergency" status--one on Majuro in the Marshalls and the other on Ulithi in the Carolines; (b) in the Bonin and Volcano Islands, one base in regular operation status; and (c) the Hyukyu Islands, one base in regular operation status on Okinawa.

8. Chapters XII and XIII of the Charter of the United Nations which went into effect on October 24, 1945 provide for an international trusteeship system. Pertinent extracts from articles bearing on the disposition of the Japanese Mandated Islands and other Japanese islands to remain under United States administration are as follows:

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:
 - a. territories now held under mandate;
 - b. territories which may be detached from enemy states as a result of the Second World War; and
 - c. territories voluntarily placed under the system by states responsible for their administration.
2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

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Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.



Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area...

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

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Article 85



1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.....

9. The terms of Article 82 of the Charter, which provides for strategic trust territories within the framework of the trusteeship system, and of Article 84 which permits the maintenance of military and naval bases in all trust territories, are designated to meet fully the security requirements needed for military and naval bases or for security zones. In a letter dated June 26, 1945 to the Secretary of State, the Secretaries of War and Navy stated that "The Joint Chiefs of Staff ... are of the opinion that the military and strategic implications of this draft [United Nations] Charter as a whole are in accord with the military interests of the United States."

10. a. In a Presidential press conference on January 15, 1946, it was reported that:

"The President declared that those (islands) we do not need will be placed under UNO trusteeship, and those we need we will keep ... Asked if they would be under individual trusteeship of this country, President replied in the affirmative in regard to those islands we need ... Asked if we would have to ask UNO's authority for our individual trusteeships, President replied affirmatively..."

(Department of State Radio Bulletin, January 15, 1946)

b. At the request of the Joint Chiefs of Staff, the State Department was advised in SWNCC 249/1 as follows:

"1. The Joint Chiefs of Staff consider it essential to our national defense that the United States have exclusive strategic control, through the means indicated, of the following Pacific areas taken by the United States during the war:

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"a. Through the assumption of full sovereignty:

The Caroline Islands
The Marianas Islands
The Marshall Islands
The Palau Islands



"b. Through trusteeship agreements designating these islands as strategic areas:

The Nansel Shoto, to include all the islands in the chain between Kyushu south of 31° North latitude and Formosa, the Sento Shosho, Okino Daito Shima (Rasa Is.) and Daito Shima (Borodino Is.).

The Nanpo Shoto, to include all the islands in the chain between Honshu and the Marianas, comprising the Izu Islands, the Ogasawara Gunto (Bonin Is.) and the Kazan Retto (Volcano Is.).

Marcus Island.

"2. The Joint Chiefs of Staff assume that there will be no question of trusteeship raised or considered in respect to Pacific islands which were, on 6 December 1941, under the Sovereignty of the United States."

c. The concept with respect to the Ryukyus as expressed in this paper is at variance with the concept as expressed in SWNCC 38/35, 5 June 1946 (TOP SECRET).

11. From the Acting Secretary's press conference on January 22, 1946 it was reported that:

"Acting Secretary Acheson opened his conference by recalling that correspondent had asked last week if

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Appendix "A"

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the requirement of unanimity among the five permanent members of Security Council put an impediment in way of working out an individual trusteeship by which this country could fortify some area which it regarded as necessary for its defense. He said he had looked into this question and thought he was fairly clear. Mr. Acheson explained that procedure and principles involved were as follows: that if the nations principally concerned in the particular area desired to propose a trusteeship as strategic area, these nations propose that to Security Council and negotiate with the Council. In certain cases he pointed out, nation in possession of area--whether by mandate or by right of military conquest--would be principal leader in those negotiations. Explaining that it is provided that in vote upon such a proposal, Council would have to vote under provisions which require assenting votes of five permanent members, Acting Secretary said that any one of permanent members could refuse to agree in negotiations. He added that result of failure to agree was to leave the situation as it was, so that if this country were in possession of one of these areas, and there was failure to agree, it simply remains where it was before. If they agree, he continued, there would be a trusteeship agreement which presumably is satisfactory to nations which propose it or otherwise they would not agree to it. Acting Secretary pointed out that after trusteeship agreement had been entered into in strategic area, it could not be changed without consent of Security Council and therefore it could not be changed without consent of United States. Mr. Acheson said he thought this discussion brought out significance of agreement; namely, the requirement that there would be an agreement by the five principal powers who would operate chiefly in perhaps making

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negotiations more lengthy in first instance but making them more final after they had been made, always with fact in mind that if there is no agreement then you stay where you were before you started the negotiations ...

"When asked if this Government does not have to be awarded an area at a peace conference prior to decisions of trusteeship, Mr. Acheson said that he did not think that was necessary, saying that you can proceed in any order that the nations concerned think best. Asked if formula with reference to trusteeship protected the interest of United States, Acting Secretary said he thought that as result of San Francisco hearing, sound results were carefully worked out which protected interest of powers." (Department of State Radio Bulletin, January 22, 1946)

12. On February 9, 1946 during its first session held in London, the General Assembly of the United Nations adopted a resolution stating with respect to Chapters XII and XIII of the Charter that it --

"Welcomes the declarations, made by certain States administering territories now held under mandate, of an intention to negotiate trusteeship agreements in respect of some of those territories, and in respect of Trans-Jordan, to establish its independence;

"Invites the States administering territories now held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of Article 79 of the Charter (which provides for the conclusion of agreements on the terms of trusteeship for each territory to be placed under the trusteeship system), in order to submit these agreements for approval, preferably not later than during the second part of the First Session of the General Assembly."

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13. The British and Belgian Governments, pursuant to their declared intentions to place their mandates under trusteeship, transmitted for the information of this Government draft trusteeship agreements for their mandated territories in Africa. Australia and New Zealand also stated that they would place their mandated territories under trusteeship, and the French Government later announced that it would take similar action for France's mandated territories.

14. On March 29, 1946 the Secretary of State sent for comment to the Secretaries of War and Navy copies of the draft trusteeship agreements which the British and Belgian Governments have proposed for their African mandated territories. In separate letters to the Secretary of State, the Secretaries of War and Navy said that they had no comment to make as to the substance of these draft agreements but they felt it would be unwise for the United States to assert its right to participate as a "[state] directly concerned" in the negotiation of these agreements.

The Secretary of War said that if we assert this right "a precedent might well be established which would make difficult our own application of a more restrictive definition for 'states directly concerned' should it later prove desirable to do so in connection with trusteeship agreements applying to Pacific islands, or other areas in which our interests are particularly great".

The Secretary of Navy said that "I... believe that any assertions by the United States of direct concern in these territories might well serve as a precedent for other nations voicing their direct concern with respect to trusteeship for Pacific islands in which we have a definite strategic interest. Inasmuch as it is the view of the Navy Department that the number of states directly concerned in Pacific Islands trusteeships should be kept to a minimum, I am strongly of the opinion

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that it would be most unwise for the United States to assert that it is directly concerned in connection with these four African territories."

15. The Acting Secretary of State, in his reply to the British Government, dated May 7, 1946, stated that "... it would be desirable to limit the number of negotiating states to a minimum, and in line with this principle it is felt that the most desirable procedure would be that the present mandatory powers should propose draft terms of trusteeship and that other particularly interested powers should be consulted in regard to these terms before they are actually submitted to the General Assembly for approval. This procedure is proposed on the condition that the other interested powers agree to the principle of consultation as described above without pressing claims to be signatories to the terms of trusteeship for the African territories in question."

Notes were sent to the French Government on May 13, 1946, and to the Belgian Government on May 14, 1946, making the same suggestion to them.

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APPENDIX "B"

DISCUSSION

PART I

GENERAL PRINCIPLES



The Potsdam Declaration, in stating that "Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, and Shikoku and such minor islands as we determine", indicates that other of the minor Japanese islands may be detached from Japan, at the discretion of the Allied Powers. The decision regarding the disposition of the other minor islands should rest upon the security needs of the Allied Powers, the size, character and wishes of the native population, and political considerations, such as the probable long term political effect of the decision taken and the probable reaction of other powers to it.

In the case of the United States, it is felt that the former Japanese territories which are to remain under the control of the United States should be those which are essential to the security of the United States, which could least be regarded as threatening the security of other powers or as likely to impair friendly relations with them, and which impose upon the United States the least burden in respect to the size and character of their population. In principle, the greater the distance from the United States the weaker the justification on security grounds becomes, and the greater the proximity to the territory of other powers and the larger the native population the more the United States would be open to the charge of provocative imperialism.

The islands to be retained under United States control should consequently be only those where United States security interests are paramount.

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The question of the specific location of military and naval bases within these territories is a separate question and is not considered relevant to this paper.

As to the form which American control should take, the Japanese Mandated Islands and other Japanese islands which are to remain under United States administration should be held by the United States under trusteeship in accordance with Chapters XII and XIII of the Charter of the United Nations.

CONSIDERATIONS FAVORING TRUSTEESHIP

Territorial aggrandizement would be contrary to the long-established policy of this Government and would seriously damage the moral prestige and political leadership of the United States. The United States has proclaimed its interest in the welfare of dependent peoples and, by its acceptance of the Charter and by the President's statements, in the creation of a trusteeship system which safeguards its strategic interests; it should not now reverse its policy and subject itself to charges of "imperialism". Territorial aggrandizement on the part of this country would be an invitation to similar aggrandizement by other states, with the result that the whole foundation of the United Nations and of our general world security policy would be undermined.

The islands which were under pre-war Japanese control were of two categories: those held under mandate, and those under Japanese sovereignty.

The Mandated Islands clearly should not be treated as conquered enemy territory. For the past twenty-five years they had an international status which they still retain. Hence reversion to colonial status under outright national sovereignty would be a threat to the entire concept of trusteeship and international organization. For the United States to annex them as colonies would be harmful to its traditional policy of leadership in

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respect to dependent territories. For the United States to accept trusteeship for these islands would add to the prestige of the United States as well as to that of the trusteeship system in the creation of which the United States played so large a role.

Although there is no commitment on the part of the United States to place these islands under trusteeship, it should be noted that Article 77 of the Charter names territories now held under mandate as the first category of territories to which the system may apply, and clearly implies a moral obligation. Failure on the part of the United States to place the islands under trusteeship would probably raise serious criticism in world opinion and might make it very difficult for the United States to take a strong position in relation to mandatory powers which are slow or reluctant to convert their mandates into trusteeship.

With regard to islands other than the Mandated Islands, which were formerly under Japanese administration and which are to remain under United States administration, considerations favoring trusteeship are of comparable force. The American tradition against territorial aggrandizement applies to these islands no less than to the Mandated Islands, and annexation would be equally undesirable in its effects on the United Nations and on our general world security policy.

PART II

AREAS TO BE PLACED UNDER TRUSTEESHIP

Disposition of islands formerly controlled by Japan which are of strategic interest to the United States should be as follows:

a. Islands concerned:

(1) The Japanese Mandated Islands:

The clause in the Cairo Declaration stating that "Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the

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beginning of the first World War in 1914^a clearly calls for the separation of the Japanese Mandated Islands from Japan. There is general agreement that the United States should retain control of the Japanese Mandated Islands in the interests of national and of world security, and it does not appear that other powers would oppose such a development, so long as the control sought by the United States is exercised under the trusteeship system of the United Nations.

(2) Marcus and the Bonin and Volcano Islands (including Parece Vela):

In view of the security needs of the United States, the very small pre-war population of these islands, and their great distance from Japan proper and the Asiatic mainland, these islands should be considered as minor islands to be detached from Japan, in accordance with the Potsdam Declaration, and placed under the trusteeship system of the United Nations.

b. Preparation of trusteeship agreements

Because of the difference in legal status between the Japanese Mandated Islands and the other Japanese islands, it will be necessary to draft separate trusteeship agreements, one for the mandated islands, and another for Marcus and the Bonin and Volcano islands. If either group should be divided into strategic and non-strategic areas, two agreements will be necessary for that group. They should be drafted, however, in such a way that after their approval by the appropriate organs of the United Nations, all the strategic areas in all these islands can be administered as one unit by the United States as administering authority and all the non-strategic areas can be administered as one unit by the United States as administering authority.

For political reasons it is desirable that in areas where strategic considerations are not over-ruling and especially where large numbers of indigenous inhabitants are

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involved, the trust territories should be non-strategic in character.

The agreements shall be drafted by the Department of State, which shall consult with the War and Navy Departments where security issues are involved.

The preparation of the agreements should not necessarily be delayed until the signing of a peace treaty with Japan. If it should seem desirable to make a settlement of the disposition of the islands before the treaty is made, it might be possible to secure provisional Japanese consent to the disposition, which would be confirmed by the treaty of peace.

c. Consultation with other governments

The Government of the United States should reserve its position, which it holds under the Treaty of Versailles and other treaties, as a "state directly concerned" in all mandated territories. It should, however, consult with the governments of other states having a legitimate interest in any particular trusteeship agreements.

(1) The Japanese Mandated Islands:

In view of the mandated status of these islands, their occupation by forces of the United States, and the fact that the United States has special rights in these islands by virtue of being a member of the Principal Allied and Associated Powers to whom Germany renounced "all her rights and titles over her overseas possessions", it would be proper for the United States to take the initiative in placing these islands under trusteeship. Indeed, delay by the United States in taking such action may be the subject of widespread criticism and might cause similar delay on the part of other powers administering mandated territories.

The United States should draft the terms of trusteeship for these islands, and as a basis for consultation, should send copies (a) to the British and

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French Governments, i. e. the other remaining non-enemy members of the Principal Allied and Associated Powers; (b) to China and Russia who might claim to be among the inheritors of the rights and titles which Italy and Japan hold in mandated territories as members of the Principal Allied and Associated Powers; and (c) to Australia, New Zealand, and the Netherlands in view of their participation in the war and their security interests in the region.

The United States should seek the concurrence of the states above mentioned in the terms of trusteeship and in the proposal that the "states directly concerned" referred to in Article 79 of the Charter should be defined as narrowly as possible, and preferably should be limited to the United States alone. This proposal would substitute consultation for agreement and signature of trusteeship agreements. Proposals similar to this have recently been made to the British, French, and Belgian Governments in regard to their African mandates.

(2) Marcus and the Bonin and Volcano Islands

(including Parece Vela):

These islands have been under the full sovereignty of Japan. The United States as military occupant should draft the terms of trusteeship, and should consult with the United Kingdom, the Soviet Union, and China as the co-acceptors of the Japanese surrender, and with France, Australia, New Zealand, and the Netherlands in view of their participation in the war and their security interests in the region. The United States should seek the concurrence of these states in the terms of trusteeship and in the proposal that the "states directly concerned" referred to in Article 79 of the Charter should be defined as narrowly as possible, and preferably should be limited to the United States alone.

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It would be particularly important to secure the concurrence of the co-acceptors of the Japanese surrender in the event approval of the trusteeship agreement is sought prior to the negotiation of a peace treaty with Japan.

d. Submission for approval

When the agreements have been drafted, and when the Government of the United States is satisfied that other interested governments have had sufficient opportunity to make their views known to it, it should submit the trusteeship agreements for approval to the appropriate organs of the United Nations, i. e. the Security Council for strategic areas and the General Assembly for non-strategic areas.

e. Nature of terms of trusteeship

The Charter of the United Nations provides for two possible types of trust territory -- strategic and non-strategic. The essential differences between them in their relation to the United Nations are (1) that the approval of the trusteeship agreement in the case of a strategic trust territory is given by the Security Council and in the case of a non-strategic trust territory by the General Assembly; and (2) that all functions of the United Nations relating to strategic areas are exercised by the Security Council, in possible consultation with the Trusteeship Council, whereas the functions of the United Nations relating to non-strategic areas are exercised by the General Assembly and (under its authority) the Trusteeship Council.

In both types of trust territory the same basic objectives (Article 76) are applicable to the people of the territory. In both types the United States would be free to establish bases and other installations and would be able to safeguard their security. In both types of trust territory the same obligation is laid upon the administering authority to ensure that the territory shall play its part in the

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maintenance of international peace and security, including the entering into special agreements under Article 43. Apart from this obligation, the terms of trusteeship (within the basic objectives) will be those that are written into the trusteeship agreement. In the case of non-strategic territories the General Assembly and the Trusteeship Council are authorized to consider reports, accept and examine petitions, provide for visits, and take these and other actions in relation to the territory in conformity with the trusteeship agreements. The trusteeship agreements for such territories would doubtless be drawn up in such a way that the General Assembly and the Trusteeship Council would have no supervision or control over bases and other military installations. Although the Charter makes no mention of such activities as reports, petitions, and visits in strategic trust territories, in Article 83(3) it authorizes the Security Council to perform functions relating to "political, economic, social, and educational matters in the strategic areas" and consequently it would be desirable to put provisions to this effect in the trusteeship agreements.

From a practical point of view, in the placing of a territory under trusteeship, the most important difference between the strategic area agreement and the non-strategic area agreement is that a strategic agreement must be approved by "an affirmative vote of seven members including the concurring votes of the permanent members" of the Security Council and that a non-strategic agreement must be approved by a two-thirds majority of the General Assembly (in which the approval of all permanent members of the Security Council need not be included).

In regard to trusteeship agreements for strategic areas the United States would have two vetoes--one in the negotiation, alteration, or amendment of the agreement, and the second in the Security Council when the agreement comes to the Council for approval. The other four permanent members

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of the Security Council also have vetoes in the approval of the agreement. In regard to trusteeship agreements for non-strategic areas the United States has one veto - in the negotiation, alteration, or amendment of the agreement - but no other member of the United Nations, (unless defined as a "state directly concerned") possesses a veto, since approval by the General Assembly is made by a two-thirds majority which need not include any specific member.

In regard to every territory whether strategic or non-strategic which is to remain under United States administration, the terms of trusteeship should:

- (1) designate the United States as administering authority;
- (2) provide that the terms of trusteeship and the designation of the United States as administering authority shall not be changed without the consent of the United States;
- (3) give to the United States exclusive authority in all matters affecting the security of the United States bases in the trust territory; and
- (4) be in conformity with the basic objectives of the trusteeship system as stated in Article 76 of the Charter and include protection for the inhabitants including (except in relation to matters covered in paragraph (3) above) provisions for reporting, petitions, and visits. In any areas that may be designated as strategic, the agreement should provide that the Security Council shall, in accordance with Article 83(3) of the Charter, authorize the Trusteeship Council (a) to consider an annual report to be submitted by the United States on the political, economic, social, and educational advancement of the islands (b) to make periodic visits, at times to be determined in consultation with the United States, to such areas as the United States does not specify from

time to time to the Security Council as closed areas, and (c) to accept petitions and to examine them in consultation with the administering authority, except in relation to closed areas and to other matters involving security.

PART III

AREAS NOT TO BE PLACED UNDER TRUSTEESHIP

1. The disposition of certain outlying and minor Japanese islands has already been clarified by international declaration or international understanding.

a. Formosa and the Pescadores. The Cairo Declaration specifically mentioned Formosa and the Pescadores Islands among the territories to be returned to China. This decision is entirely in keeping with the predominantly Chinese population of these areas and the fact that Japan took these islands from China by force of arms.

b. Southern Sakhalin and the Kuriles. The United States is committed by the Yalta Agreement to the decision that southern Sakhalin and the islands adjacent to it are to be returned to the USSR and the Kurile Islands are to be handed over to the Union of Soviet Socialist Republics. The islands adjacent to southern Sakhalin are understood to be those islands lying north of a line running through the middle of La Perouse Strait. The United States would view with favor a definition of the Kurile Islands which excludes the small islands between Shikotan and Hokkaido. The United States would not oppose the retention by Japan of Shikotan and any other island or islands in or near the Kurile Chain which the Soviet Union is willing to restore to Japan.

c. Korean Islands. The Cairo Declaration called for the freedom and independence of Korea. Quelpart Island, Port Hamilton, Dagelet (Utsuryo) Island, Liancourt Rock (Takeshima), and all the other off-shore Korean Islands should be considered part of Korea, for they are historically and administratively part of Korea and are inhabited primarily by Koreans.

2. Minor islands in regard to which, in accordance with the Potsdam Declaration, the Allied Powers have reserved the disposition, and which are not required for security reasons to be detached from Japan, should be disposed of as follows:

a. The Izu Islands. The Izu Islands should be regarded as minor islands to be retained by Japan, for permanent United States control of these islands does not appear to be necessary in view of the proposed control by the United States over the great sweep of islands to the south and east. Moreover, the Izu Islands lie close to the main islands of Japan, with Oshima, the largest and most important of the Izus, about 15 miles from the coast of Honshu. They have been treated as an integral part of Japan since early times, and they are inhabited exclusively by Japanese. They should be demilitarized.

b. The Ryukyu Islands. The northernmost islands of the Ryukyu chain have been closely associated for many centuries with Japan and their population is culturally and racially Japanese. Japan's retention of the central and southern islands of the chain is justified by the fact that the Okinawans who inhabit these islands are closely related to the Japanese in language and culture and that the islands have been administered as an integral part of Japan for more than six decades and have been politically subordinate to Japan for over three centuries.

For the United States to take over any part of the Ryukyu Islands would be contrary to its policy of opposing territorial expansion whether for itself or for other countries. Furthermore, from a practical point of view, control of the Ryukyus by the United States would in all probability require a considerable financial outlay by the United States for the support and development of the islands and would involve the United States in the thankless task of governing three-quarters of a million people of totally alien culture and outlook.

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The establishment by the United States of a permanent base in Okinawa or elsewhere in the Ryukyu Islands would be likely to provoke serious international repercussions and would be politically objectionable. The existence of such a base, in addition to the other Pacific bases to be held by the United States and in such proximity to the China coast, might come to be resented by China and would probably be regarded by the Soviet Union as a provocative threat rather than as a proper defensive move by the United States. If the United States should acquire such a base, it would be considered by other states as stepping outside the zone of its legitimate political and regional interests.

Political and diplomatic considerations indicate that the Ryukyu Islands should therefore be considered minor islands which should be returned to Japan and demilitarized.

c. Islands of the Inland Sea. The islands of the Inland Sea and all other offshore islands surrounding the four main islands of Japan, excluding the Kurile Islands but including Sado, Oki, Tsushima, Iki and the Goto Archipelago, should also be regarded as minor islands to be retained by Japan. The reasons for this are that these islands are not of vital strategic importance to any of the Allied Powers; they have been regarded since early times as integral parts of Japan; and they are inhabited exclusively by Japanese. They should be demilitarized.

3. Other Areas.

a. The Spratly Islands. Sovereignty over the Spratly Islands is uncertain, and has been a matter of dispute during recent years between Japan, France and China. Following prior surveys and landings, the Japanese Government on March 30, 1939 officially annexed the Spratly Islands under the name of Shinnan Gunto, but this annexation has not been recognized by the United States. In accordance with the Cairo Declaration Japan's claim to these islands should be

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extinguished and appropriate provision to that end made in the peace settlement. It is not necessary at this time for the United States to take any other position in relation to sovereignty over the islands than the elimination of the Japanese claim.

b. The Antarctic. Although the Japanese Government has never officially claimed any territory in the Antarctic, Japanese officials indicated in the pre-war years that claims might be made on the basis of the activities of the Shirase expedition of 1910 which explored a considerable area of the Ross Shelf Ice. There are other, and apparently more valid claims to territory within the sphere of potential Japanese claims, and the United States takes a special interest in this area because of the explorations and discoveries of Admiral Byrd and of the United States Antarctic Expedition of 1939-41. In accordance with the Cairo Declaration Japan's claims in the Antarctic should be extinguished and appropriate provision to that end made in the peace settlement.

